

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

WILLIE SIMMONS, Register No. 990079, )  
  )  
  )  
Plaintiff,                                 )  
  )  
v.   )    No. 06-4167-CV-C-NKL  
  )  
GOVERNOR MATT BLUNT, et al.,            )  
  )  
Defendants.                                 )

**ORDER**

On October 10, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's October 10, 2006 Report and Recommendation is adopted [9]. It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g).

\_\_\_\_\_  
/s/

NANETTE K. LAUGHREY  
United States District Judge

Dated: November 2, 2006  
Jefferson City, Missouri